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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

SANDY F. MILLER,

Defendant and Appellant.

B235714

(Los Angeles County  
Super. Ct. No. LA 067123)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Martin L. Herscovitz, Judge. Affirmed.

William C. Hsu, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

\* \* \* \* \*

Appellant Sandy F. Miller appeals from the judgment following his plea of no contest to a charge of possession of a controlled substance in violation of Health and Safety Code section 11350, subdivision (a). The trial court sentenced appellant to serve 16 months in state prison. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. Appellant was notified that he could file his own brief and has not done so.

On April 4, 2011, appellant addressed his right to self-representation pursuant to *Faretta v. California* (1975) 422 U.S. 806, which the court granted. On June 15, 2011, appellant filed various motions, which included a motion to suppress evidence pursuant to Penal Code section 1538.5. That motion was heard on July 11, 2011, and denied. On July 20, 2011, appellant renewed his section 1538.5 motion. The motion was again denied. On September 6, 2011, appellant filed his notice of appeal. He requested the trial court issue a certificate of probable cause, which it did on September 7, 2011, but only as it pertained to the motion to suppress.

### **STATEMENT OF FACTS**

On February 3, 2011, at approximately 2:00 a.m., Los Angeles Police Officers Sierra and Valenzuela were patrolling the area of Sepulveda Boulevard and Valerio Street when they saw a white Toyota Camry. The officers did not observe the Toyota Camry violating the Vehicle Code. The officers entered the Camry's license plate number into the mobile data computer in their patrol car and received information indicating the car matched the description of a stolen vehicle. Once the officers verified the Toyota Camry was stolen, appellant was arrested for driving a vehicle without the owner's consent. A patdown search of appellant was performed at the scene.

Appellant claimed the officers only ran the license plate number of the Toyota Camry because he and his passenger were African-American males, and the officers were engaged in racial profiling. Officer Sierra testified that prior to seeing the Toyota Camry, he and his partner had run a number of license plates.

Appellant was taken to the police station where he was booked. At the time of booking Officer Sierra conducted another search of appellant. During the search Officer

Sierra noticed appellant had his right hand in a fist. The officer told appellant to open his right hand, which he did. Upon opening his hand the officer saw an off white substance resembling rock cocaine. Appellant stated, “It’s a rock.”

### **DISCUSSION**

Having reviewed the entire record, we are satisfied that counsel has fully complied with his responsibilities and no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *Wende, supra*, 25 Cal.3d at p. 441.)

### **DISPOSITION**

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.